

### REMARKS

The Applicant wishes to again thank Examiner Lindsay Bachman for extending the courtesy of a personal interview with the undersigned on January 28, 2008. Although no definitive agreement was reached regarding the proposed claims, the discussion has helped Applicant better understand some of the thoughts underlying the claim rejections. As requested during that interview, Applicant is submitting as Appendix A herewith the following patents issued for the present invention around the world:

DE 102 58 708.6-54  
EP 1 570 284 (nationalized in FR, GB, IT, NL, SE, CH, ES, TR)  
DE 503 03 255.7

Applicant is also submitting copies of the documents cited in the corresponding International Preliminary Examination Report (IPER). For the Examiner's ready reference, a copy of the IPER itself is being submitted herewith as Appendix B. Although the IPER was previously cited in this case, Applicant has not received confirmation from the Examiner that the references cited therein have been considered by the Examiner. Such confirmation is respectfully requested by return copy of the enclosed IDS.

Claims 74-98 are pending in the application and new claim 99 has been added herein to further accurately reflect the differences between the present invention and the prior art as discussed during the interview.

#### **A. New claim 99.**

It is respectfully submitted that claim 99 defines over the prior art of record. Claim 99 specifically requires "wherein said filtering is solely performed by said conductor and

nonconductive dielectric.” As discussed during the personal interview, the prior art vessel filters apply inductors onto a vessel filter in order to create the resonant circuit, whereas in the present invention the resonant circuit is formed by the filtering structure itself. For example, the vessel filters of Mezler ‘837 (Figs. 8a and 8b) include the toothed elements 171 which form part of the filter. Although the Examiner has pointed to the phrase “[a]n unfoldable part of the device forms the inductor” (Mezler ‘837, col. 3, lines 55-56), it is clear from a reading of this in conjunction with the only vessel filters disclosed in Mezler ‘837 (i.e. those shown in Figs. 8a and 8b), that the inductor may be formed by the unfoldable part, but it is not the case that “said filtering is solely performed by said conductor and nonconductive dielectric” as required by Applicant’s new claim 99. Even though the inductors 25 unfold with the rest of the filter when it is unfolded within the blood vessel, the toothed elements 171 also function as part of the filtering element. Furthermore, as discussed during the personal interview, the loops 202 of Wallace are discrete loops superimposed upon each other (i.e. shorted together) and therefore do not comprise an inductor. It is therefore respectfully submitted that new claim 99 is allowable in view of the references of record.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance, and respectfully requests such action. Should it facilitate allowance of the application, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

By



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